IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 962/2005
(Deepak Kumar Vs. State of Rajasthan & Anr.)

Date of Order : 08/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Arjun Purohit for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.
Mr. Nagraj Goswami for the non-petitioner No.2.

BY THE COURT:-

Heard learned counsel for the parties.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 02.6.2005 passed by Judicial Magistrate, First Class, Siwana (for short 'the trial court' hereinafter), whereby the trial court granted interim maintenance in favour of Non-petitioner No.2 at the rate of Rs. 1500/- per month.

The only contention raised by the counsel for the petitioner is that the trial court fell in error in awarding interim maintenance from the date of application, according to him, the

interim maintenance allowance could have been awarded from the date of order.

The contention raised by the counsel for the petitioner cannot be accepted in view of Division Bench decision of this Court in Smt. Savita Sharma Vs. Shri Krishan Murari 1990 (1) RLR 400.

In the circumstances, therefore, no case for interference is made out. The petition is dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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